

***Gerry E. Studds* Stellwagen Bank National Marine Sanctuary Interagency Cooperation Action Plan**

Overview

The National Marine Sanctuaries Act “provide[s] authority for comprehensive and coordinated conservation and management of these marine areas, and activities affecting them, in a manner which complements existing regulatory authorities;...” and includes among its purposes and policies to “develop and implement coordinated plans for the protection and management of these areas with appropriate Federal agencies, State and local governments, Native American tribes and organizations, international organizations, and other public and private interests concerned with the continuing health and resilience of these marine areas.”

The purpose of this action plan is to help clarify the roles, responsibilities and relationships between associated agencies in order to strengthen resource management within the sanctuary as well as improve interagency communication.

Description of the Issues

The public comment scoping process conducted by the *Gerry E. Studds* Stellwagen Bank National Marine Sanctuary (SBNMS) in 1998, and again in 2002, identified several concerns relative to the need for interagency cooperation. Issues raised during public scoping were summarized as follows:

- Clarification of Overlapping Agency Responsibilities
- Interagency Coordination and Effectiveness

This Action Plan comprehensively addresses these issues.

Goal Statement

The Interagency Cooperation (IC) Working Group (WG) developed the following goal for this Action Plan:

The Stellwagen Bank National Marine Sanctuary is the Gulf of Maine’s (GOM) only national marine sanctuary. Its geologic and oceanographic underpinnings give rise to a wealth of marine life from minute, single-celled plankton to the great whales. The 842 square mile sanctuary area is permanently protected through specific legislation whose primary purpose is to conserve its natural and cultural resources. The sanctuary provides adults and children throughout New England and beyond a window into the oceanic world.

Given the sanctuary’s unique status and its interconnectedness with the GOM, state and federal agencies will actively support the sanctuary’s mission through their planning and management actions. Similarly, recognizing that it is a part of the GOM ecosystem, the sanctuary will actively support its partner state and

federal agencies' missions if they are consistent with the NMSA. The SBNMS will proactively communicate its purpose and findings to other agencies and seek opportunities to share information, resources, and expertise among agencies.

Addressing the Issues – Strategies for this Action Plan

The interagency cooperation working group developed the following strategies to address the issues raised in public scoping meetings. Measures to evaluate the performance of strategies and their associated activities are listed at the end of each strategy/activity group.

There are 14 Strategies in the IC AP:

- Strategy IC. 1 - Re-establish discussions regarding a possible memorandum of understanding (MOU) between The National oceanic and Atmospheric Association (NOAA)/SBNMS and the NOAA Fisheries, Northeast Regional Office (NERO) and the New England Fishery Management Council (NEFMC) to facilitate cooperation and coordination.
- Strategy IC. 2- Establish a protocol for coordination on proposed activities with the NOAA Fisheries NERO.
- Strategy IC. 3 - Establish a protocol between NOAA/SBNMS and the NOAA Fisheries, Northeast Fisheries Science Center (NEFSC) to facilitate, as appropriate, permitting and cooperative research. The purpose of this protocol is to facilitate cooperative research and outreach.
- Strategy IC. 4 - Evaluate the memorandum of agreement (MOA) between the U.S. Army Corps of Engineers (USACE) and NOAA Fisheries for commenting on proposed activities occurring at the Massachusetts Bay disposal site (MBDS).
- Strategy IC. 5 - Establish a protocol with NOAA Fisheries NEFSC for consultation on proposed activities occurring at the MBDS proposed for permitting or proposed by the USACE.
- Strategy IC. 6 - Establish a SBNMS web page that serves as a clearinghouse for fisheries regulations by providing the web links to appropriate regulatory agency.
- Strategy IC. 7 - Establish a SBNMS web page that depicts agency jurisdictions in the SBNMS and serves as a clearinghouse for agency contact information.
- Strategy IC. 8 - Provide updates to the USCG area contingency plans on a regularly scheduled basis.
- Strategy IC. 9 - Establish a mechanism for informal consultation with the EPA, NEFMC, Massachusetts Water Resources Authority (MWRA), Massachusetts Department of Environmental Protection (MADEP) and the Massachusetts Coastal Zone Management (MACZM) office on water quality issues.
- Strategy IC. 10 - Continue cooperative enforcement program by maintaining and updating cooperative enforcement agreement with NOAA Office of Law Enforcement (OLE), Massachusetts Environmental Police (MEP), and USCG.
- Strategy IC. 11 - Convene annual or biannual meetings of the Interagency Working Group or as needed.
- Strategy IC. 12 - Participate in the GOM Council and other regional initiatives.

- Strategy IC. 13 - Share results of cooperative research within Sanctuary boundaries with the public and other interested parties via the web
- Strategy IC. 14 - Participate on relevant advisory panels (e.g., habitat, groundfish, herring) of the NFMCC.

STRATEGY IC.1 – RE-ESTABLISH DISCUSSIONS REGARDING A POSSIBLE MOU BETWEEN THE NOAA/SBNMS AND THE NOAA FISHERIES, NERO AND THE NEFMC TO FACILITATE COOPERATION AND COORDINATION.

The purpose of this MOU would be: 1) to clarify roles and responsibilities concerning regulating fishing activities, protecting endangered species and habitat within the SBNMS; (2) to facilitate the exchange of information, advice and technical assistance among SBNMS, NEFMC and NOAA Fisheries NERO; and (3) to coordinate efforts concerning ecosystem protection and public outreach.

Strategy Performance Measure: All questions concerning roles and responsibilities regarding regulating fishing activities within the SBNMS are clarified.

Activities (3)

(1.1) Meet with NOAA Fisheries NERO and Council staff to scope the details of a possible MOU.

Status: Completed by year 1.

Potential Partners: NOAA Fisheries NERO, NEFMC

(1.2.) Present draft MOU to the Council.

Status: Completed by year 2.

Potential Partners: NOAA Fisheries NERO, NEFMC

(1.3) Present final MOU to the Council and execute MOU.

Status: Completed by year 2.

Potential Partners: NOAA Fisheries NERO, NEFMC

STRATEGY IC.2 – ESTABLISH A PROTOCOL FOR COORDINATION ON PROPOSED ACTIVITIES WITH THE NOAA FISHERIES NERO.

The purpose of this protocol is to clarify roles and responsibilities regarding consultation, permitting, and outreach. It is intended to improve communication by clarifying under what circumstances consultation between the two agencies is warranted.

Strategy Performance Measure: Questions regarding authorities and responsibilities are clarified and informal and formal consultation between the two agencies occurs routinely.

Activities (3)

(2.1) Meet with NOAA Fisheries NERO staff to scope the details of a protocol.

Status: Completed by year 1.

Potential Partners: NOAA Fisheries NERO

(2.2) Draft protocol with NOAA Fisheries NERO.

Status: Completed by year 1.

Potential Partners: NOAA Fisheries NERO

(2.3.) Finalize protocol with NOAA Fisheries NERO.

Status: Completed by year 1.

Potential Partners: NOAA Fisheries NERO

STRATEGY IC.3 – ESTABLISH A PROTOCOL BETWEEN NOAA/SBNMS AND THE NOAA FISHERIES, NEFSC TO FACILITATE, AS APPROPRIATE, PERMITTING AND COOPERATIVE RESEARCH. THE PURPOSE OF THIS PROTOCOL IS TO FACILITATE COOPERATIVE RESEARCH AND OUTREACH.

Strategy Performance Measure: Cooperation between the SBNMS and NOAA Fisheries NEFSC is increased twofold based on staff interactions.

Activities (3)

(3.1) Meet with NOAA Fisheries NEFSC staff to scope the details of a protocol.

Status: Completed by year 1.

Potential Partners: NOAA Fisheries NEFSC

(3.2) Draft protocol with NOAA Fisheries NEFSC.

Status: Completed by year 1.

Potential Partners: NOAA Fisheries NEFSC

(3.3) Finalize protocol with NOAA Fisheries NEFSC.

Status: Completed by year 1.

Potential Partners: NOAA Fisheries NEFSC

STRATEGY IC.4 – EVALUATE THE MOA BETWEEN THE USACE AND NOAA FISHERIES FOR COMMENTING ON PROPOSED ACTIVITIES OCCURRING AT THE MBDS.

The USACE 1992 interagency MOA includes the requirement to coordinate disposal projects proposed for MBDS with NOAA Fisheries. This MOA was executed prior to the 1992 amendments of the National Marine Sanctuaries Act requiring consultation by a federal agency conducting activities that may affect sanctuary resources. Therefore, the effectiveness of the MOA in ensuring that SBNMS resources are not injured shall be evaluated.

Strategy Performance Measures:

1. Consultation between the two agencies occurs routinely.
2. SBNMS receives regular electronic notices of proposed actions.

Activities (1)

(4.1) *Insure that SBNMS is placed on the USACE public notice electronic mailing list and develop an internal protocol for following up on these notices.*

Status: Completed by year 1.

Potential Partners: USACE, NOAA Fisheries

STRATEGY IC.5 – ESTABLISH A PROTOCOL WITH NOAA FISHERIES NEFSC FOR CONSULTATION ON PROPOSED ACTIVITIES OCCURRING AT THE MBDS PROPOSED FOR PERMITTING OR PROPOSED BY THE USACE.

The purpose of this proposed protocol is to facilitate consultation and communication between the two portions of NOAA.

Activities (1)

(5.1) *The USACE 1997 interagency agreement includes the requirement to coordinate disposal projects proposed for MBDS with NOAA Fisheries. A NOAA intra-agency protocol for consultation with the SBNMS by NOAA Fisheries will be developed for dredged material disposal activities that may affect sanctuary resources.*

STRATEGY IC.6 – ESTABLISH A SBNMS WEBPAGE THAT SERVES AS A CLEARINGHOUSE FOR FISHERIES REGULATIONS BY PROVIDING THE WEB LINKS TO APPROPRIATE REGULATORY AGENCY.

The purpose of this web page is to facilitate compliance by the public with fisheries regulations pertaining to the sanctuary.

Strategy Performance Measure: Web page obtains over 300 hits per year.

Activities (1)

(6.1) *Create a new web page on the SBNMS website that serves as a clearinghouse for the public to the various agencies that regulate fishing within the sanctuary.*

Status: Completed by year 1.

Potential Partners: NEFMC, Mid-Atlantic Fisheries Management Council (MAFMC), NOAA Fisheries, Massachusetts Division of Marine Fisheries (MADMF).

STRATEGY IC.7 – ESTABLISH A SBNMS WEB PAGE THAT DEPICTS AGENCY JURISDICTIONS IN THE SBNMS AND SERVES AS A CLEARINGHOUSE FOR AGENCY CONTACT INFORMATION.

The purpose of this web page is to inform the public about the various agencies that have authority overlapping the sanctuary and to provide agency contact information.

Strategy Performance Measure: Webpage obtains over 200 hits per year.

Activities (1)

(7.1) *Create a new webpage on the SBNMS website that serves as a clearinghouse for the public to the various agencies with overlapping authority and to provide links to agency contact information.*

Status: Completed by year 1.

Potential Partners: U.S. Environmental Protection Agency (EPA), USACE, Minerals Management Service (MMS), NOAA Fisheries, U.S. Navy, U.S. Coast Guard (USCG), U.S. Fish and Wildlife Service (USFWS).

STRATEGY IC.8 – PROVIDE UPDATES TO THE USCG AREA CONTINGENCY PLANS ON A REGULARLY SCHEDULED BASIS.

The sanctuary worked with the USCG First District during 2003 to develop an annex to the applicable Area Contingency Plans that deals solely with the SBNMS. The purpose of this strategy is to keep this annex up-to-date.

Strategy Performance Measure: Annex is updated every 5 years or as necessary.

Activities (1)

(8.1) *Update the sanctuary's annex to the Plymouth to Salisbury, MA Area Contingency Plan and Rhode Island/Southeastern Massachusetts Area Contingency Plan.*

Status: Completed by year 3.

Potential Partners: EPA, USCG, USFWS, Area Committees.

STRATEGY IC.9 – ESTABLISH A MECHANISM FOR INFORMAL CONSULTATION WITH THE EPA, NEFMC, MWRA, MADEP AND MACZM OFFICE ON WATER QUALITY ISSUES.

The purpose of this protocol is to facilitate communication on water quality issues related to the watersheds and coastal waters that may affect sanctuary resources.

Strategy Performance Measure: The relevant agencies communicate on water quality issues at least once per year.

Activities (1)

(9.1) *Develop an informal mechanism that facilitates communication among the SBNMS, USEPA, NEFMC, MWRA, MADEP, and MACZM on water quality issues that may affect the sanctuary.*

Status: Completed by year 1.

Potential Partners: EPA, MWRA, MADEP, MACZM

STRATEGY IC.10 – CONTINUE COOPERATIVE ENFORCEMENT PROGRAM BY MAINTAINING AND UPDATING COOPERATIVE ENFORCEMENT AGREEMENT WITH NOAA OLE, MEP AND USCG.

Strategy Performance Measures:

1. Patrols are conducted in SBNMS year around by the appropriate enforcement agency.
2. The observed compliance rate is 97% based on number of violations per boarding.

Activities (1)

(10.1) Maintain and update cooperative enforcement agreement to ensure adequate enforcement presence and prosecution in the sanctuary.

Status: Completed by year 1.

Potential Partners: NOAA OLE, MEP, USCG

STRATEGY IC.11 – CONVENE ANNUAL OR BIENNIAL MEETINGS OF THE INTERAGENCY WORKING GROUP OR AS NEEDED.

Strategy Performance Measure: An interagency cooperation meeting is convened at least biannually.

Status: Completed by year 1.

Potential Partners: U.S. Department of the Interior (DOI), US Navy, EPA, USACE, MWRA, MADEP, MACZM, MADMF, NOAA Fisheries, NOAA OLE, NEFMC, USCG

STRATEGY IC.12 – PARTICIPATE IN THE GOM COUNCIL AND OTHER REGIONAL INITIATIVES.

The GOM Council on the Marine Environment is a U.S.-Canadian partnership of government and non-government organizations working to maintain and enhance environmental quality in the GOM to allow for sustainable resource use by existing and future generations. The SBNMS is represented on the council through NOAA Fisheries.

Strategy Performance Measures:

1. SBNMS attends at least one GOM Council meeting per year.
2. GOM Marine Protected Areas (GOMMPAS) list serve has at least 100 members receiving at least 20 notices per year.

Activities (3)

(12.1) *Participate in GOM Council meetings.*

Status: Completed by year 1.

Potential Partners: GOM Council, NOAA Fisheries NERO, NOS

(12.2) *Continue to host the GOMMPAS list serve.*

Status: Completed by year 1.

Potential Partners: GOM Council, Canada Department of Fisheries and Oceans

(12.3) *Participate in the coordination of the establishment of a marine protected area (MPA) network within the GOM.*

Status: Completed by year 1.

Potential Partners: GOM Council, NOAA Fisheries NERO, NEFMC, NOAA MPA Center, National Ocean Service (NOS), Federal MPA Committee

STRATEGY IC.13 – SHARE RESULTS OF COOPERATIVE RESEARCH WITHIN SANCTUARY BOUNDARIES WITH THE PUBLIC AND OTHER INTERESTED PARTIES VIA THE WEB

Strategy Performance Measure: The web page obtains at least 300 hits per year.

Activities (1)

(13.1) *Create a webpage on the SBNMS website that is designed to inform the public of the latest results of cooperative research within the sanctuary.*

Status: Completed by year 1.

Potential Partners: research steering committee, research consortium, SAC

STRATEGY IC.14 – PARTICIPATE ON RELEVANT ADVISORY PANELS (E.G., HABITAT, GROUND FISH, HERRING) OF THE NFMCC.

The Council operates numerous advisory panels that advise on managing fisheries, many of which overlap with the SBNMS. Providing input to these advisory panels is a critical mechanism for the sanctuary to have its concerns addressed.

Strategy Performance Measure: Staff attendance at least 5 advisory panel meetings per year.

Status: Completed by year 1.

Potential Partners: NEFMC, NOAA Fisheries